



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL &
FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Janet T. Mills
Governor

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Director

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January 12, 2026

Senator Anne Beebe-Center, Chair
Representative Travis Hasenfus, Chair
Committee on Criminal Justice and Public Safety
100 State House Station
Augusta, ME 04333

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Criminal Justice and Public Safety Committee:

Thank you for the opportunity to provide the Office of Professional and Occupational Regulation's ("OPOR") concerns with LD 1918. OPOR is one of five agencies within the Department of Professional and Financial Regulation ("DPFR") and is responsible for administering 38 separate state licensing programs consistent with the DPFR's statutory mission of protecting consumers.

Criminal history is not an automatic bar to licensure under current Maine Law. (Title 5, Chapter 341). Under current Maine law a licensing board *may* take criminal history into account but *only if* it determines that the applicant has not been sufficiently rehabilitated to warrant the public trust. *The applicant is always given the opportunity to prove rehabilitation.* We believe the current process of allowing the licensing boards the discretion to determine if an applicant is sufficiently rehabilitated is working well, as evidenced by the overwhelming majority of applicants becoming licensed despite past criminal history.

However, LD 1918 would prevent access to factual information regarding conduct that can be considered by statute of each of the 38 OPOR boards and programs. For example, Section 1 of the bill would keep confidential information related to a plea agreement whereby a defendant who admits to a civil violation or traffic infraction but does not plead guilty to a criminal charge. This would impair all 38 OPOR boards and programs in meeting their statutory mandate of protecting the public by preventing access to information related to criminal behaviors or conduct resulting in plea agreements involving drug diversion cases, unlawful possession cases, substance misuse cases, unlicensed practice cases, theft and dishonesty cases, etc.

A history of such behaviors, including efforts to rehabilitate, are fundamental to ensuring public protection when considering qualifications for licensure, especially for health-related licensing boards, where a drug-related conviction for a person seeking licensure that includes greater access to controlled medications needs to be evaluated to ensure public safety.

Similarly, the impact of Section 1 on the ability of OPOR to collect information to support seven of its licensing boards that recently joined licensure compacts¹ is not yet fully known. I would respectfully point out that the December 2024 report by the Criminal History Review Committee did not explore the impact of keeping confidential information of professional licensing agencies and as such is premature to move forward without further study. In addition, Section 2 of the bill should include administrative processes, not just those involving civil or criminal proceedings to ensure access to such information is available to professional licensure matters involving the applicability of the Maine Administrative Procedure Act.

OPOR supports the continuation of the existing access to criminal history information and disclosure requirements, so that licensing boards can continue to review applicants' relevant criminal history as part of their essential public protection roles.

For these reasons, OPOR respectfully opposes LD 1918 and urges the Legislature to carefully consider the wide-ranging and potentially unintended consequences this bill would have on professional licensing and public protection in Maine.

Sincerely,



Penny Vaillancourt
OPOR Director

¹ Board of Examiners of Psychologists, Board of Occupational Therapy Practice, Board of Counseling Professionals, Board of Speech, Audiology and Hearing, Board of Physical Therapy, Board of Social Worker Licensure and Board of Dental Practice.

